

# SENATE, No. 790

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 18, 2022

**Sponsored by:**

**Senator HOLLY T. SCHEPISI**

**District 39 (Bergen and Passaic)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Requires DEP and owners of certain reservoirs to implement certain flood control measures; authorizes Office of Emergency Management to order lowering of reservoirs levels in response to severe weather events.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/9/2022)

1 AN ACT concerning reservoirs and supplementing P.L.1981, c.262  
2 (C.58:1A-1 et seq.).

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. The Department of Environmental Protection shall  
8 identify each reservoir in the State that has a documented record of  
9 flooding, as determined by the department. For each identified  
10 reservoir, the department shall study and assess (1) the downstream  
11 river or stream capacity and the water storage capacity of the  
12 reservoir, and (2) the water usage needs of the residents and  
13 businesses served by the reservoir. The department shall also  
14 identify each municipality with a documented record of downstream  
15 flooding caused or exacerbated by high reservoir levels. Based  
16 upon the studies required by this subsection, the department, by rule  
17 or regulation adopted pursuant to subsection b. of this section, shall  
18 determine maximum water levels to be maintained at reservoirs in  
19 the State.

20 b. (1) The department, pursuant to the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
22 rules and regulations necessary for the implementation of this act,  
23 including, but not limited to, rules and regulations that establish  
24 maximum levels for reservoirs throughout the State. The maximum  
25 level for each reservoir shall be set at a level that best protects the  
26 area surrounding the reservoir against flooding while ensuring the  
27 availability of an adequate water supply for the area served by the  
28 reservoir.

29 (2) In addition to the requirements of the "Administrative  
30 Procedure Act," the department shall provide notice of these rules  
31 and regulations, at least 60 days prior to the adoption thereof, to  
32 each municipality identified pursuant to subsection a. of this  
33 section. The department shall conduct a public hearing in at least  
34 three of the identified municipalities, and in any other identified  
35 municipality upon written request by the governing body of the  
36 municipality. The department shall provide at least 10 days prior  
37 notice of each public hearing to the clerk of each municipality by  
38 certified mail. The department shall, at least 10 days prior to the  
39 date of each public hearing, publish notice of the public hearing on  
40 the department's Internet website and in at least one newspaper of  
41 general circulation in the municipality in which the hearing is to be  
42 held.

43 (3) The department shall notify every owner of a reservoir in the  
44 State of the adoption of the rules and regulations pursuant to this  
45 subsection and shall require every such owner to comply with the  
46 provisions of these rules and regulations within 90 days after the  
47 adoption thereof.



1 the studies. Furthermore, the DEP would be required to set the  
2 maximum level for each reservoir at a level that best protects the  
3 areas surrounding the reservoir against flooding while ensuring an  
4 adequate water supply. The bill would also direct the DEP to notify  
5 each owner of a reservoir of the adoption of these rules and  
6 regulations and require compliance within 90 days after their  
7 adoption.

8 The bill would require every owner of a reservoir in the State  
9 that has a documented record of downstream flooding, as  
10 determined by the DEP, to prepare, submit, and implement a flood  
11 action plan approved by the DEP, which would include, but need  
12 not be limited to, the design, construction, operation, and  
13 maintenance of flood gates sited at the reservoir.

14 The bill would also authorize the Office of Emergency  
15 Management in the Division of State Police to order the water level  
16 of any reservoir in the State to be lowered in a manner prescribed  
17 by the office prior to, or during, a severe weather event if the office  
18 has made a determination, after consultation with the DEP, that  
19 lowering the reservoir level is in the general public interest and  
20 reasonably necessary to prevent or reduce the severity of flooding.

21 The bill would indemnify any owner of a reservoir against any  
22 act or omission with respect to any claims or any cause of action  
23 arising out of the proper implementation of a flood action plan  
24 approved by the DEP under this bill, provided, however, the owner  
25 is in full compliance with any order of the Office of Emergency  
26 Management to lower reservoir levels, as may be issued pursuant to  
27 this bill.